05-05-06

IFW

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Dated: May 3, 2006 Signature: Georgina Matos
(Georgina Matos)

OIPE MAY 09 2006 PATENT & TRADEMARK OFFICE

Patent
Docket No. 514712000500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David L. SHELTON et al.

Serial No.: 10/682,638

Filing Date: October 8, 2003

For: METHODS FOR TREATING POST-SURGICAL PAIN BY ADMINISTERING AN ANTI-NERVE GROWTH FACTOR ANTAGONIST ANTIBODY AND COMPOSITIONS CONTAINING THE SAME

Examiner: J. Lockard

Group Art Unit: 1647

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

05/08/2006 FFANAEIA 00000001 031952 10682638
01 FC:1806 180.00 DA

pa-1055180

This Supplemental Information Disclosure Statement is submitted:

☐ With the application; accordingly, no fee or separate requirements are required.

☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.

- ☐ A fee is required. A check in the amount of __ is enclosed.
- ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.

☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.

- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 514712000500.

Dated: May 3, 2006

Respectfully submitted,

By_____

Jie Zhou
Registration No.: 52,395
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5922

OIPE IAP42 MAY 09 2006 PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-06)
Approved for use through 7/31/2006. OMB 0651-0032
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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 180.00

Complete if Known	
Application Number	10/682,638
Filing Date	October 8, 2003
First Named Inventor	David L. SHELTON
Examiner Name	J. Lockard
Art Unit	1647
Attorney Docket No.	514712000500

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
10 - 20 =	0	x 50 =	0.00

HP = highest number of total claims paid for, if greater than 20.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
360	0.00

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
3 - 3 =	0	x 100 =	0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ /50	_____ (round up to a whole number) x	_____ =	_____

4. OTHER FEE(S) **Fees Paid ($)**

Non-English Specification, $130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	52,395	Telephone	(650) 813-5922
Name (Print/Type)	Jie Zhou			Date	May 3, 2006

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PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/682,638
Filing Date	October 8, 2003
First Named Inventor	David L. SHELTON
Art Unit	1647
Examiner Name	J. Lockard
Attorney Docket Number	514712000500

Total Number of Pages in This Submission	18+114 References

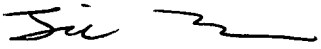
ENCLOSURES (*Check all that apply*)

- [x] Fee Transmittal Form + duplicate (2 pages)
- [ ] Fee Attached
- [ ] Amendment/Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [x] Information Disclosure Statement (Supplemental – 3 pages)
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
- [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

PTO/SB/08a/b + copy (12 pages)
References (114)
Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Jie Zhou		
Date	May 3, 2006	Reg. No.	52,395

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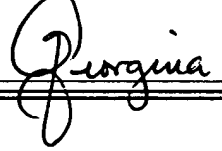
Dated: May 3, 2006 Signature:  (Georgina Matos)

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 6

Complete if Known	
Application Number	10/682,638
Filing Date	October 8, 2003
First Named Inventor	David L. SHELTON
Art Unit	1647
Examiner Name	J. Lockard
Attorney Docket Number	514712000500

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-2002/0072543-A1	06-13-2002	Olesen et al.	
	2.	US-2002/0146416-A1	10-10-2002	Presta et al.	
	3.	US-2003/0008807-A1	01-09-2003	Levine et al.	
	4.	US-2003/0072746-A1	04-17-2003	Miller	
	5.	US-2003/0203923-A1	10-30-2003	Ross et al.	
	6.	US-2004/0038874-A1	02-26-2004	Omoigui	
	7.	US-2004/0071701-A1	04-15-2004	Delafoy et al.	
	8.	US-2004/0097562-A1	05-20-2004	Olesen et al.	
	9.	US-2004/0121959-A1	06-24-2004	Boone et al.	
	10.	US-2005/0074821-A1	04-07-2005	Wild, Jr. et al.	
	11.	US-2005/0222035-A1	10-06-2005	Boone et al.	
	12.	US-2005/0265994-A1	12-01-2005	Shelton et al.	
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	14.	US-5,656,435-A	08-12-1997	Nakahama et al.	
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	20.	US-6,548,062-B2	04-15-2003	Buchkovich et al.	
	21.	US-6,548,640-B1	04-15-2003	Winter	
	22.	US-6,649,605-B2	11-18-2003	Olesen et al.	
	23.	US-6,919,426-B2	07-19-2005	Boone et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
	24.	EP-0 418 590-A1, B1	03-27-1991	Takeda Chemical Industries, Ltd.		
	25.	JP-63-295588-A	12-01-1988	Kyowa Hakko Kogyo KK	Translation of Abstract Only	
	26.	WO-90/10644-A1	09-20-1990	Lope Medicine AB		
	27.	WO-95/25795-A1	09-28-1995	Genentech, Inc.		
	28.	WO-98/19674-A2, A3	05-14-1998	Olesen et al.		
	29.	WO-01/52843-A1	07-26-2001	McGill University et al.		
	30.	WO-02/20513-A1	03-14-2002	Glaxo Group Limited		
	31.	WO-02/102232-A2, A3	12-27-2002	The Regents of the University of California		
	32.	WO-03/022261-A1	03-20-2003	Miller		
	33.	WO-2004/026329-A1	04-01-2004	Amgen, Inc.		
	34.	WO-2004/028448-A2, A3	04-08-2004	Miller		
	35.	WO-2004/032852-A2, A3	04-22-2004	Rinat Neuroscience Corp.		
	36.	WO-2005/019266-A2, A3	03-03-2005	Amgen, Inc.		
	37.	WO-2005/111077-A2, A3	11-24-2005	Rinat Neuroscience Corp. et al.		

Examiner Signature		Date Considered	

OIPE IAP42 MAY 09 2006 PATENT & TRADEMARK OFFICE

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/682,638
				Filing Date	October 8, 2003
				First Named Inventor	David L. SHELTON
(Use as many sheets as necessary)				Art Unit	1647
				Examiner Name	J. Lockard
Sheet	2	of	6	Attorney Docket Number	514712000500

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
	38.	Abbadie, C. et al. (June 24, 2003). "Impaired Neuropathic Pain Responses in Mice Lacking the Chemokine Receptor CCR2," *Proc. Natl. Acad. Sci. USA* 100(13):7947-7952.	
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Examiner Signature		Date Considered	

OIPE IAP42
MAY 09 2006
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ALTERNATIVE TO PTO/SB/08a/b (07-05)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 6

Complete if Known	
Application Number	10/682,638
Filing Date	October 8, 2003
First Named Inventor	David L. SHELTON
Art Unit	1647
Examiner Name	J. Lockard
Attorney Docket Number	514712000500

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Examiner Signature		Date Considered	

MAY 09 2006
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ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	4	of	6

Complete if Known	
Application Number	10/682,638
Filing Date	October 8, 2003
First Named Inventor	David L. SHELTON
Art Unit	1647
Examiner Name	J. Lockard
Attorney Docket Number	514712000500

	80.	Honoré, P. et al. (2000). "Cellular and Neurochemical Remodeling of the Spinal Cord in Bone Cancer Pain," *Prog. Brain Res.* 129:389-397.	
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Sheet 5 of 6

Complete if Known	
Application Number	10/682,638
Filing Date	October 8, 2003
First Named Inventor	David L. SHELTON
Art Unit	1647
Examiner Name	J. Lockard
Attorney Docket Number	514712000500

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